

REMARKS

The specification is amended by correcting the misspelled word "BONTORON" at page 52 and by capitalizing "Henschel mixer" at pages 73-74 and "Bontron" at page 98, line 12.

Claims 5-8 are amended herein to recite an image forming apparatus. Support is found, for example, on page 1, lines 12-21.

No new matter is presented

I. Response to the Objection to the Specification

The specification is objected to because not all of the trademarks were capitalized and spelled correctly in the substitute specification filed on May 16, 2006.

The specification is amended by capitalizing "Henschel mixer" at pages 73-74 and "Bontron" at page 98, line 12, thereby obviating this ground for objection.

The specification is also objected to because of the misspelled word "BONTORON" at page 52, line 21.

The specification is amended by replacing the misspelled word "BONTORON" with "BONTRON", thereby obviating this ground for objection.

The specification is further objected to regarding the figure number "1". The Examiner states that the figure number "1" in the phrase "Fig. 1 is a drawing typically showing a measuring instrument of viscoelasticity of a toner" should be changed to "4".

Applicants cannot find the phrase the Examiner refers to and request the Examiner to specifically identify the page and line number of this phrase.

II. Response to Claim Rejections under 35 U.S.C. § 112

Claims 5-8 are rejected under 35 U.S.C. § 112, 2nd paragraph, as allegedly being indefinite. The Examiner specifically states that the term "an image forming system" is not clear.

Claims 5-8 are rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. The Examiner states that the originally filed specification does not reasonably provide an adequate written description for the phrase "an image forming system comprising an image forming apparatus and a toner."

Claims 5-8 are amended to recite, "An image forming apparatus comprising . . . a developing unit containing a toner, wherein the developing unit develops the electrostatic latent image on the image carrier to form a toner image by the toner. . . .", thereby obviating the rejections.

Accordingly, Applicants respectfully request withdrawal of the §112 rejections.

III. Response to Art Rejections

Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 6,490,429 (Okayasu '429) combined with U.S. Pat. No. 6,300,024 (Yusa) as evidenced by Applicants' alleged admissions as set forth on pages 8-9 of the Action (Applicants' Admissions I).

Claim 5 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Pat. No. 5, 391,450

(Nagatsuka) as evidence by Applicants' alleged admissions as set forth on pages 13-14 of the Action (Applicants' Admissions II).

Claims 7 and 8 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. 2005/010087 (Yamazaki), as evidence by Applicants' Admissions I.

Applicants respectfully traverse the rejections.

Applicants do not agree with the Examiner's opinion that the recitation of what side of the recording medium the heating member contacts is merely functional language describing how the apparatus functions (e.g., page 13, lines 1 to 3 of the Office Action).

Each of independent claims 5 and 7 recites, "the main heating unit is in contact with the side of a recording medium opposite to the side on which the toner is provided to fix the toner at a nip part of the main heating member and the pressing member." Thus, the recitation describes the position of the main heating unit and of the recording medium and is not merely a functional recitation.

The present invention is characterized by the combination of:

- (i) An apparatus wherein an unfixed toner image on a paper is fixed by heating from the backside-surface of the paper (i.e., a surface opposite to the side on which the unfixed toner image is provided) with a heating member while a fixing nip part takes a configuration protruding toward the side of the heating member, and the paper is discharged from the outlet of the fixing nip part along by the line of the protruding configuration of the fixing nip part; and
- (ii) a toner having the claimed specific relaxation modulus,

thereby winding of the paper to a roller and the hot offset phenomenon can be prevented even in an oil-less fixing unit. Therefore, the side of the recording medium the heating member contacts is not merely functional language but an important feature of the present invention.

None of the cited references discloses, teaches or suggest this feature whether taken alone or in combination. Thus, it cannot be said that the present invention is anticipated by any one of the cited references nor rendered obvious by the cited references.

Accordingly, Applicants respectfully request withdrawal of the rejections.

IV. Response to Double Patenting Rejection

Claims 7 and 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 2 and 7 of copending U.S. App. Ser. No. 10/787,394, as evidenced by the portion of the disclosure of the '394 application that supports the claimed subject matter and Applicants' alleged admissions in examples 1A and 1B and Tables 1A and 1B of the instant specification.

A terminal disclaimer is being filed concurrently herewith, thereby obviating the obviousness-typed double patenting rejection.

Accordingly, Applicants respectfully request withdrawal of the rejection.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No. 10/787,389

Atty. Docket No. Q80155

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

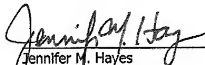
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